

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

60988⁸⁹

FILE: B-186558

DATE: June 14, 1976

MATTER OF: Stayfast Corporation

98834

DIGEST:

1. Protest against rejection of bid determined unreasonable as to price filed in our Office more than 10 working days after basis of protest was known or should have been known is untimely under Bid Protest Procedures (40 Fed. Reg. 17979 (1975)) and therefore will not be considered on merits.
2. Allegations concerning antitrust violations are for consideration by Justice and not GAO.

The Stayfast Corporation (Stayfast) protests the lack of an award for several items under solicitation No. FP00-EJ-48845-A, issued by the General Services Administration, and also raises a question concerning antitrust violations.

The solicitation for paper fasteners was issued on December 31, 1975, and bid opening was on January 30, 1976. By letter dated April 1, 1976, GSA sent Stayfast written notification that prices on items 5, 6, and 8 were determined to be excessive and therefore no award was being made on these items. The letter further advised that these items were being withdrawn from the small business set-aside in accordance with the provisions of Federal Procurement Regulations § 1-1.706-3 (1964 ed.) and would be readvertised on a nonrestricted basis.

Section 20.2(b)(2) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), provides in part that bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier. Stayfast was informed of the basis for its protest by letter dated April 1, 1976, and its protest letter to our Office dated May 19, 1976, was received on May 20, 1976. Accordingly, the protest is untimely and will not be considered on the merits.

Furthermore, allegations concerning antitrust violations are for consideration by the Department of Justice and not our Office.

A handwritten signature in cursive script, reading "Paul G. Dembling".
Paul G. Dembling
General Counsel